



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 28 2017

Dear Tribal Leader:

As part of our efforts to promote economic development in Indian Country, we are seeking your input on the need to update the “Licensed Indian Traders” regulations currently found at 25 C.F.R. Part 140. The current regulations were promulgated in 1957 and have not been comprehensively updated since 1965. We seek to modernize these regulations through the formal rulemaking process to reflect the current Federal policy of promoting tribal self-determination.

We previously raised this issue in an advance notice of proposed rulemaking (ANPRM). In response, we received comments from 37 Tribes and 8 tribal organizations, as well as several non-tribal commenters. *See* 81 Fed. Reg. 89,015 (Dec. 9, 2016). Several tribal commenters acknowledged that the multijurisdictional issues associated with trade in Indian Country are burdensome and negatively impact their ability to conduct business. Additionally, a significant number of tribal commenters stated that they have difficulty providing basic services on their land and to their members in the current economic climate.

The ANPRM was informed by a study released on May 4, 2016, by the Native Nations Institute and the Harvard Project on American Indian Economic Development, which sets forth proposals for reducing financial constraints on tribes and bolstering tribal economies. The comments we received in response to the ANPRM suggest that implementing some of the study’s recommendations may benefit Indian Country and surrounding communities and states. A link to this study can be found on the Indian Trade and Commerce website at:

<https://www.indianaffairs.gov/WhoWeAre/AS-IA/ORM/25CFR140/index.htm>

We will be conducting several listening sessions and Tribal consultations across Indian Country. The formal consultations will be held at the following dates and locations:

Thursday, August 17, 2017	Albuquerque, NM	Bureau of Indian Affairs 1001 Indian School Rd NW Albuquerque, NM 87104
Tuesday, August 22, 2017	Portland, OR	DoubleTree by Hilton 1000 NE Multnomah St Portland, OR 97232
Thursday, August 24, 2017	Anchorage, AK	Bureau of Indian Affairs Frontier Building 3601 C St Anchorage, AK 99503

Monday, August 28, 2017	Salamanca, NY	Seneca Allegany Resort & Casino 777 Seneca Allegany Boulevard Salamanca, NY 14779
Tuesday, August 29, 2017	Green Bay, WI	Radisson Hotel & Conference Center 2040 Airport Dr. Green Bay, WI 54313

As our schedule is still evolving, please periodically check the calendar on the above Indian Trade and Commerce website for the dates and locations of consultations and RSVP to consultation@bia.gov. I apologize that we are unable to provide the customary 30-day advance notice of these sessions, but because comments on the ANPRM were generally supportive of rulemaking, this shortened timeframe will better position the Department to move forward with rulemaking in an expeditious manner.

Additionally, please submit any written comments and economic data you may have as soon as possible via email at consultation@bia.gov or the address below:

Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
1849 C Street NW, Mail Stop 4660-MIB
Washington, DC 20240

In your comments, please provide any information you did not include in your comments on the ANPRM. We are particularly interested in the following:

1. Specific projects that your tribe or tribal organization cannot initiate or approve under existing regulatory requirements, but which you believe could move forward if new regulations gave tribes greater economic flexibility. For each project include:
 - a) details regarding Indian Country capital investment under the project;
 - b) details regarding the annual tribal revenue associated with the project;
 - c) the number of Indian Country jobs that could be created under the project; and
 - d) any specific impediment preventing forward progression on your project.
2. Any economic impact studies on the benefits of Indian Country economic development to surrounding communities.
3. Specific treaty provisions that require the United States to protect tribal economic interests.

This economic data is needed to determine whether the revised 25 C.F.R. Part 140 would contribute to economic stimulus, jobs, and prosperity to Indian Country and the rest of the Nation. Tribal participation is critical to this important effort.

The closing date for receipt of comments is August 30, 2017. We encourage you to submit your comments in advance of that date to ensure maximum consideration. If you have any questions, please contact Ms. Ashley Fry, Regulatory Documentation Specialist, at (202) 208-5808.

We look forward to receiving your comments and economic data.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Clarkson", with a long horizontal flourish extending to the right.

Dr. Gavin Clarkson
Deputy Assistant Secretary
Policy and Economic Development –
Indian Affairs